

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA

v.

HOSSEIN MOHAMMADABADI

No. 3:09-00218-11
CHIEF JUDGE HAYNES

OVER
This motion
was granted
in part, but
denied as
to the
sentencing
hearing.
See
USDC
5-21-13

MOTION TO ADVANCE PLEA HEARING, WAIVE PRESENTENCE REPORT
AND TO CONSOLIDATE PLEA AND SENTENCING HEARINGS

Hossein Mohammadabadi, through counsel and pursuant to Rule 32(c)(1)(A)(ii) of the *Federal Rules of Criminal Procedure*, and hereby moves the Court to waive the presentence report and to conduct both the plea and sentencing together in this matter. The plea hearing is currently scheduled for May 20, 2013, at 11:00 a.m. In support of Mr. Mohammadabadi's request to waive the presentence report and to consolidate the plea and sentencing hearings, he would show as follows:

1. Mr. Mohammadabadi has entered into a misdemeanor plea agreement with the government which should result in a sentencing level of four (4), in criminal history category I. The parties have conferred and have agreed that the applicable advisory guideline range is 0 to 6 months.

2. Rule 32(c)(1)(A)(ii) provides that :

(A) The probation officer must conduct a presentence investigation and submit a report to the court before it imposes a sentence unless:

(ii) the court finds that the information in the record enables it to meaningfully exercise its sentencing authority under 18 U.S.C. 3553, and the court explains its finding on the record.

Mr. Mohammadabadi submits that there will be ample information in the record that will allow the Court to meaningfully exercise its sentencing authority. Particularly in light of the fact the parties have agreed to a misdemeanor plea and his criminal history